

**MINUTES  
FREMONT CITY COUNCIL REGULAR MEETING  
MARCH 24, 2009  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

**1.1 Call to Order:** Mayor Wasserman called the meeting to order.

**1.2 Flag Salute:** The salute to the flag was conducted at the Special Work Session held prior to the start of the Council meeting.

**1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison, and Chan

**1.4 Announcements by Mayor/City Manager**

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- \* **2.2 Approval of Minutes for the Regular Meeting of March 3, 2009, March 10, 2009 and the Special Meeting of March 10, 2009.**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council approved the minutes for the Regular Meeting of March 3, 2009, March 10, 2009 and the Special Meeting of March 10, 2009.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

**\* 2.3 Mayor Wasserman opened consideration of the Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property Located at 3651 Walnut Avenue from Planned District P-2005-256 to Planned District P 2009-9**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council adopted Ordinance No. 2006-9.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.4 Mayor Wasserman opened consideration of the Award of Contract for Reconstruction of City Maintenance Center Swale at 42539 Osgood Road, City Project No. 8656 (PWC)**

On a motion by Vice Mayor Natarajan seconded by Councilmember Wieckowski, the City Council:

1. Approved the plans and specifications for Maintenance Center Swale Reconstruction, 8656 (PWC).
2. Accepted the bid and awarded the construction contract for Maintenance Center Swale Reconstruction, 8656 (PWC), to the lowest responsible bidder, Guerra Construction Group, in the amount of \$97,492.00 and authorized the City Manager or designee to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.5 Mayor Wasserman opened consideration of the Approval of Amendment #2 to the Final Design Agreement with ACTA and VTA Regarding the I-880/Mission Boulevard Interchange Project Completion Phases**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council authorized the City Manager or his designee to execute Amendment #2 to the Cooperative Funding Agreement between the Alameda County Transportation Authority and the City of Fremont and the Santa Clara Valley Transportation Authority for the Final Design Phase of the Mission Boulevard (Route 262)/Warren Avenue/Freight Railroad Relocation Program, increasing the final design cost and the City's funding commitment as described herein, and modifying the Agreement termination date to December 31, 2009.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None

Absent: None  
Abstain: None

**\* 2.6 Mayor Wasserman opened consideration of the Authorization of the City Manager or Designee to Execute a Contract Amendment with Alameda County Behavioral Health Care Services for Reimbursement of Mental Health Services Funded Through Early Periodic Screening Diagnosis and Treatment (EPSDT)**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council authorized the City Manager or his designee to execute a contract amendment with Alameda County Behavioral Health Care Services for reimbursement of mental health services funded through EPSDT, in the amount of \$213,678, for a total contract amount of \$723,427 and appropriated an additional \$213,678 to account 1705347.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.7 Mayor Wasserman opened consideration of the Approval of the Acceptance of a Share of a Regional Assistance to Firefighters Grant (AFG) in the Amount of \$164,840.92 to Purchase Fire Department Radios with a City Contribution of \$41,210.22 as a 20% Match and Authorization of the City Manager to Execute the Documents Necessary to Accept the Grant and Purchase the Radios**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council:

1. Approved acceptance of a share of a regional Assistance to Firefighters Grant in the amount of \$164,840.92 to purchase Fire Department radios with a City contribution of \$41,210.22 as a 20% match.
2. Authorized the City Manager to execute documents necessary to accept the grant.
3. Appropriated \$164,840.92 to the Miscellaneous Federal Grant Fund (Fund 199).

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.8 Mayor Wasserman opened consideration of the Continuation of Public Hearing (Published Notice) to Consider a General Vacation to Abandon Railroad Avenue at the Terminus of Main and High Streets and East of the Former Union Pacific Railroad Tracks in the Irvington Planning Area**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council directed the City Clerk to postpone action on proposed vacation of Railroad Avenue at the terminus of Main and High Streets and east of the former UPRR tracks. The item will be then be re-initiated for consideration once the utility easements to be reserved from the vacation are determined.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**2.9 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider an Annual Report on the Status of the General Plan and Housing Element Implementation**

Mayor Wasserman opened the item for public comment. Doug Ford (Advocates for Affordable Housing) requested Council consider examining the possibility of implementing a jobs-housing linkage fee. There were no other speakers. Mayor Wasserman closed public comment. Staff responded to questions from Councilmembers.

On a motion, the City Council:

1. Held a public hearing.
2. Found the Annual Report exempt from the California Environmental Quality Act (CEQA) in that the activity is not defined as a “project” under CEQA Guideline 15378(b)(5).
3. Found that the Annual Report of the General Plan and Housing Element (Exhibit 1) accurately depicts the current status of the City of Fremont with respect to the General Plan and Housing Element.
4. Received presentation on housing policy issues and provided feedback to staff for use in drafting the updated General Plan.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

(This item was removed from the Consent Calendar)

**\* 2.10 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission’s Recommendation to Rezone 5339 Mowry Avenue from C-T, Thoroughfare Commercial, to Planned District, P-2009-156, and Adopt a Precise Plan to Permit Certain Specified Uses Within a Recently Constructed 10,800 Square Foot Retail Building**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council:

1. Held a public hearing.
2. Found that the proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) per the California Environmental Quality Act (CEQA) Guideline Section 15061(b)3, no potential effect, in that approval of the planned district to permit certain specified uses would not cause a significant effect on the environment, cumulative or otherwise, and that this action reflects the independent judgment of the City.
3. Found that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use chapter as enumerated within the staff report.
4. Found the rezoning from C-T, Thoroughfare Commercial, to Planned District, P-2009-156, to permit certain specified uses within a recently constructed 10,800 square foot commercial building, in conformance with Exhibit "A" (Planned District Rezoning Exhibit), Exhibit "B" (Findings and Conditions of Approval), and Exhibit "C" (Planned District Precise Site Plan).
5. Waived full reading and introduced an Ordinance rezoning the subject property from C-T, Thoroughfare Commercial, to Planned District P-2009-156, in conformance with Exhibit "A" and adopting Exhibit "C" together with the findings and conditions contained in Exhibit "B" as the Precise Plan for P-2009-156.
6. Directed staff to prepare and the City Clerk to publish a summary of the above Ordinance.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.11 Mayor Wasserman opened consideration of the Introduction of an Ordinance Amending Section 2-9404 of the Fremont Municipal Code to Increase the Local Business Preference from Two and One-half Percent (2.5%) to Five Percent (5%) on Purchases of Personal Property Over \$25,000 With a Limit of \$10,000 on the Amount of the Preference until December 31, 2010**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council:

1. Held a public hearing.
2. Waived full reading and introduced an ordinance amending Section 2-9404 of the Fremont Municipal Code to increase the local business preference for purchases from two and one-half percent (2.5%) to five percent (5%) for purchases of personal property over \$25,000 with a limit of \$10,000 on the amount of the preference as set forth in Attachment A, until December 31, 2010, after which the local business preference will revert to its existing amount of two and one-half percent (2.5%) for purchases of personal property over \$25,000 with a limit of \$5,000 on the amount of the preference.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.12 Mayor Wasserman opened consideration of the Continuation of a Public Hearing (Published Notice) to Consider Proposed Jail Fees to Neighboring Agencies Effective July 1, 2008**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council continued this item to April 7, 2009 and directed the City Clerk to republish the appropriate public hearing notice.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**3. CEREMONIAL ITEMS – None.**

**4. PUBLIC COMMUNICATIONS**

**4.1 Oral and Written Communications – None.**

**5. SCHEDULED ITEMS – None.**

**6. REPORT FROM CITY ATTORNEY**

**6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.**

**7. OTHER BUSINESS**

**\* 7.1 Mayor Wasserman opened consideration of the Amendment to the Voluntary Cleanup Agreement with the Department of Toxic Substance Control for Remediation of the Abandoned Union Pacific Railroad Corridor from 500 feet North of Paseo Padre Parkway to 100 feet South of Washington Boulevard for a Cost of \$126,354**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council authorized the City Manager or his designee to execute the Amendment to the Voluntary Cleanup Agreement with DTSC to increase the reimbursement by \$70,134, for a new total reimbursement amount of \$126,354. Additionally, authorized the City Manager or his designee to approve and sign future amendments to the Agreement to increase the reimbursement up to an additional \$20,000, if needed, to cover future unforeseen changes.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

(This item was added to the Consent Calendar)

**7.2 Mayor Wasserman opened consideration of the Authorization of the City Manager or Designee to Submit Proposals for Federal Funding Under the American Recovery and Reinvestment Act of 2009**

Deputy City Manager Melissa Stevenson Dile provided background information related to the Federal Stimulus Package and highlighted general provisions, accountability and transparency provisions. Management Analyst Maya Williams reviewed the proposed eight funding applications and highlighted funding programs currently under evaluation and funding sources that the City is not eligible to apply for. Staff responded to questions from Councilmembers. There were no speakers.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Authorized City Manager or designee to submit proposals or complete other applications, as appropriate, to secure federal funding from the following sources identified in the American Recovery and Reinvestment Act of 2009; Community Development Block Grant, Neighborhood Stabilization Program, Homelessness Prevention, Highway Infrastructure, Community Oriented Policing Services (COPS), Byrne JAG-Formula, Assistance to Firefighters Grants, and Energy Efficiency and Conservative Block Grants.
2. Directed staff to report on ARRA funding availability as funding guidelines are developed.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**7.3 Mayor Wasserman opened consideration of the Presentation by TMG Partners and Field Paoli Architects on the Status of the Capitol Avenue Project, and Discussion by Councilmembers of Project Elements, Proposed Expansion of Project Area, and Next Steps**

City Manager Fred Diaz introduced the item and project consultants, David Cropper (TMG Partners) and Rob Anderson (Field Paoli Architecture, Inc.). Mr. Cropper and Mr. Anderson presented ideas for the project that focused on a single site and in a broader context, described the goals of a Midtown District concept. The consultants responded to questions from Councilmembers. Mr. Cropper and Mr. Anderson presented a graphic representation of a

Midtown District concept for this project. Another question and answer period followed with staff and the Consultants. There were no speakers. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Provided comments and direction to staff on the overall concept and proposed direction of TMG Partners and staff.
2. Provided direction to staff on possible next steps beginning with the planning and entitlement process for the Midtown District including, but not limited to, the development of a Specific Plan (including land uses, form-based zoning codes as well as urban design) and Environmental Impact Report, Streetscape Plan, Public Infrastructure and Utilities Plan, Parking Plan, and Transit Plan. These Plans would be conducted by City staff and consultants in cooperation with our development partner TMG Partners.
3. Directed staff to develop a Streetscape Plan for Fremont Boulevard between Mowry and Walnut Avenue.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

## **8. COUNCIL COMMUNICATIONS**

### **8.1 Council Referrals – None.**

### **8.2 Oral Reports on Meetings and Events – None.**

## **9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 9:05 p.m.

Attest:

Approved:

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Dawn G. Abrahamson, City Clerk

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BOB WASSERMAN, Mayor